

Message Text

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ACTION SS-30

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S E C R E T GENEVA 6226

EXDIS

EO 11652: GDS

TAGS: PFOR

SUBJ: CSCE: POSSIBLE COMPROMISE OVER PRINCIPLES

LANGUAGE

REFS: A. STATE 224321

B. GENEVA 6103

C. STATE 228527

D. GENEVA 6208

1. BOSTER TOOK OPPORTUNITY OF NATO DELEGATION HEADS CAUCUS NOV 22 TO EXPRESS BELIEF THAT WE SHOULD BE GIVING CONSIDERATION TO POSSIBLE COMPROMISE SOLUTIONS TO SATISFY STRONG SOVIET DESIRE FOR NON-INTERFERENCE CAVEATS IN PREAMBLE TO SPECIFIC HUMANITARIAN COOPERATION AGREEMENTS. HE INFORMED ALLIES THAT HE HAD STRESSED TO KOVALEV STRONG WESTERN OPPOSITION TO A PREAMBLE WITH REFERENCE TO "NATIONAL LAWS AND CUSTOMS," AND GAVE ALLIES GIST OF SOVIET REACTION (REF D). BOSTER TOLD NATO DELEGATION HEADS THAT HE HAD SUGGESTED TO SOVIETS THAT THEY THINK ABOUT POSSIBLE COMPROMISE SOLUTIONS, AS WE WERE DOING. HE OUTLINED SOLUTION WE WERE CONSIDERING (REFS A AND C), STRESSING THAT THIS WAS FOR POSSIBLE FUTURE USE AND THAT HE HAD NOT DISCUSSED ANY SPECIFIC IDEAS WITH KOVALEV.

2. IMMEDIATE ALLIED REACTION WAS NEGATIVE, AS FORE-
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SHADOWED REF B. FRENCH REP WARNED THAT PRINCIPLE OF NON-INTERVENTION MEANS DIFFERENT THINGS TO EAST AND AND WEST. ANY "TAMPERING" WITH THIS PRINCIPLE MIGHT WEAKEN, NOT STRENGTHEN IT. WE SHOULD BE VERY CLEAR ON BROADER EFFECTS OF CHANGES

TO THIS PRINCIPLE.

3. UK REP POINTED OUT THAT PRINCIPLE OF NON-INTERVENTION (EVEN AS TABLED BY SOVIETS) APPLIES ONLY TO ACTIONS BY STATES, WHEREAS MUCH OF SPECIFIC CONTENT OF BASKET III (HUMANITARIAN COOPERATION) RELATES TO ACTIVITIES OF PRIVATE INDIVIDUALS, COMPANIES AND ORGANIZATIONS. WE SHOULD NOT ALLOW SOVIETS, HE SAID, TO OBTAIN LANGUAGE IN PREAMBLE OR PRINCIPLES WHICH IMPLIES A MEASURE OF GOVERNMENTAL CONTROL OVER PRIVATE INDIVIDUALS AND ORGANIZATIONS. SUCH A RESULT WOULD BE CONTRARY TO MOST FUNDAMENTAL ALLIED OBJECTIVES IN BASKET III.

4. UK REP ADDED THAT, IN ANY EVENT, SOVIETS HAD NOT TABLED ANY TEXTS INCLUDING THE PHRASE "LAWS AND CUSTOMS," AND ALTHOUGH THIS PHRASE IS USED IN INTRODUCTION TO BULGARIAN DRAFT WHICH CONSTITUTES FORMAL EASTERN POSITION ON BASKET III PREAMBLE, THE DRAFT TEXT ITSELF DOES NOT INCLUDE IT, NOR DOES SOVIET DRAFT OF PRINCIPLE OF NON-INTERVENTION.

5. DANISH REP STRESSED SOVIETS SHOULD NOT GET ANYTHING IN RETURN FOR DROPPING "LAWS AND CUSTOMS" PHRASE, AS HE ANTICIPATED THEY WOULD SEEK TO DO, SINCE THEY HAD ALREADY BEEN FORCED TO DROP IT IN HELSINKI. IN DANISH VIEW, GROMYKO EXHIBITED BAD FAITH IN REFERRING BACK TO THIS PHRASE "BEFORE THE INK WAS DRY" ON HELSINKI RECOMMENDATIONS, WHICH ALREADY REPRESENTED A HARD-FOUGHT COMPROMISE. TO RAISE AN ISSUE ON WHICH COMPROMISE AGREEMENT HAD ALREADY BEEN REACHED WENT AGAINST WHOLE SPIRIT OF HELSINKI RECOMMENDATIONS.

6. NETHERLANDS REP SUGGESTED THAT A BETTER WAY TO SATISFY SOVIET NEED WOULD BE TO DRAFT LANGUAGE OF SPECIFIC HUMANITARIAN AGREEMENTS IN SUCH A WAY AS TO IDENTIFY ROLE OF GOVERNMENTS WITHOUT ACTUALLY MENTIONING "LAWS AND CUSTOMS." SUCH LANGUAGE SHOULD OBVIATE NEED FOR PREAMBULAR CAVEATS. CANADIAN, FRENCH, DANISH, UK, AND NORWEGIAN REPS
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AGREED WITH THIS APPROACH.

7. COMMENT. NETHERLANDS DELEGATION HEAD HAS TOLD US PRIVATELY THAT HE DOES NOT THINK SOVIETS WILL ACCEPT HIS IDEA (OUTLINED IN PARA 6 ABOVE), BUT THAT THIS WILL SHOW EASTERN COUNTRIES STRENGTH OF WESTERN OPPOSITION TO PREAMBULAR CAVEATS IN BASKET III. WHEN SOVIETS REJECT THIS APPROACH, DUTCH AND OTHER ALLIES WOULD PREFER TO FALL BACK TO INNOCUOUS PREAMBLE ALONG LINES OF HELSINKI RECOMMENDATIONS, WITH UNILATERAL SOVIET EXPLANATORY STATEMENT. DUTCH FEEL SOVIETS WILL ACCEPT THIS SOLUTION, BASICALLY THE SAME COMPROMISE REACHED IN HELSINKI, BUT THAT THEY WILL ONLY DO SO IF WESTERN OPPOSITION TO THEIR

DESIRES IS FIRM.

8. INITIAL POSITIONS TAKEN BY OUR ALLIES ON THIS ISSUE
HAVE BEEN PREDICTABLY FIRM. NEVERTHELESS, GROUND HAS NOW
BEEN PREPARED FOR LATER RECOURSE TO OUR COMPROMISE IDEAS
WHEN NEGOTIATING PROCESS IN DRAFTING STAGE
BRINGS NEED FOR MORE FLEXIBILITY ON BOTH SIDES. MILLER

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